

**THE SANCHEZ LAW FIRM**  
**2000 L STREET, N.W., SUITE 200**  
**WASHINGTON, D.C. 20036**

97-217

**ERNEST T. SANCHEZ**  
**ATTORNEY AT LAW**

**Telephone: (202) 237-2814**  
**Fax: (202) 237-5614**  
**Email: esanchez@bellatlantic.net**

**RECEIVED**

June 19, 2000

JUN 19 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Magalie Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W., Room TW-A325  
Washington DC, 20554

**DOCKET FILE COPY ORIGINAL**

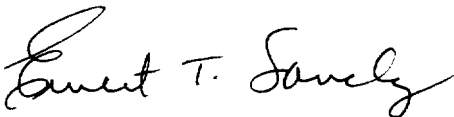
Re: ITFS 2020, L.L.C. Emergency Petition for Postponement of the July 3 to  
July 10, 2000 Filing Window for Two-Way Multipoint Distribution  
Service and Instructional Television Fixed Service applications.

Dear Ms. Salas:

On behalf of the below listed Empire State Building Commenters, enclosed are an original and four copies of the Comments in Support of Emergency Petition supporting postponement of the July 3 to July 10, 2000 filing window for two-way multipoint distribution service and instructional television fixed service applications.

Please let me know if you have any questions about this filing.

Sincerely,



Ernest T. Sanchez  
Counsel for The Empire State Building Commenters:  
Union Township Board of Education  
The Mineola Union Free School District  
The Educational Broadcasting Corporation

ETS:tp  
Enclosure

cc: David Roberts, Video Services Division,  
Mass Media Bureau

No. of Copies rec'd 0+4  
List A B C D E

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
ITFS 2020, L.L.C. )  
Emergency Petition for Postponement )  
Of the July 3 - July 10, 2000 Filing )  
Window for Two-Way Multipoint )  
Distribution Service and Instructional )  
Television Fixed Service Applications )

**RECEIVED**  
**JUN 19 2000**  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To the Chief, Mass Media Bureau:

**COMMENTS IN SUPPORT OF EMERGENCY PETITION**

The Union Township Board of Education, the Educational Broadcasting Corporation and the Mineola Union Free School District ("Empire State Building Commenters") respectfully submit these comments. The purpose of these comments is to endorse the Emergency Petition filed by ITFS 2020 L.L.C. ("ITFS 2020") on June 6, 2000 and the Petition of June 7, 2000 by the Association of Federal Communications Consulting Engineers (AFCCE), requesting that the Federal Communications Commission's ("FCC" or "Commission") Mass Media Bureau ("Bureau") postpone the July 3 through July 10, 2000 filing window for Multipoint Distribution Service ("MDS") and Instructional Television Fixed Service ("ITFS") applications for two-way operations.<sup>1</sup>

The Empire State Building commenters all operate ITFS channels serving the New York City metropolitan area from the Empire State Building. The Union Township Board of Education is the licensee of ITFS channel C-1, the Educational Broadcasting Corporation is the

---

<sup>1</sup> See Public Notice, DA 00-666, "Commission Announces Initial Filing Window for Two-Way Multipoint Distribution Service and Instructional Television Fixed Service" (rel. March 23, 2000) ("*Filing Window Public Notice*").

licensee of ITFS channel C-4, and Mineola Union Free School District is the licensee of ITFS channels G-1 through G-4.

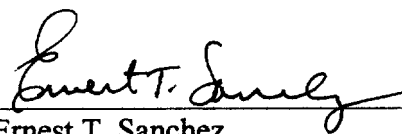
The ITFS 2020 Emergency Petition argues that a nine-month postponement is essential to allow ITFS licensees to file applications that will permit two-way operations. This, it argues, is especially true in New York City which offers the most complex ITFS engineering issues of any market. In its parallel petition, AFCCE argues that a minimum postponement of an additional 130 days is necessary for similar reasons.

The experience of the Empire State Building Commenters, who lease their excess capacity to the principal commercial New York City operator, bears out the reality of the concerns that underlie the two pending petitions. First, the principal commercial New York City operator has only recently stated that the July 2000 filing window makes it impossible to develop a New York area operating plan, negotiate with the various ITFS licensees, and file during the window. Second, the Empire State Building Commenters, together with other New York area ITFS licensees, have been unable to engage engineering consultants to explore other possible alternatives for filing applications within the July 2000 window. It is clear that virtually all of the qualified engineering firms, experienced in dealing with the relevant technical and regulatory issues, are fully occupied working with applicants in other markets, with far fewer complexities than New York. Unless there is a significant postponement of the filing window, the Empire State Building Commenters will be deprived of a realistic opportunity to obtain the benefits that filing within the window would confer.

The Empire State Building Commenters understand, appreciate and sympathize with the ITFS 2020, L.L.C. Emergency petition for a nine-month postponement. Such a postponement would greatly help commenters, and others in the New York market, to file properly engineered applications. The commenters strongly believe, however, that at a minimum the 130-day postponement suggested by AFCCE is entirely justified and should now be granted by the

Commission. Even this temporary postponement would help ensure that both the public and the ITFS community will be able to secure the long-awaited benefits of enhanced ITFS operations in an orderly, non-disruptive manner. If the Commission grants a shorter postponement than requested by ITFS 2020, L.L.C., however, it should nevertheless remain open to revisiting the issue should that be warranted by subsequent developments. The Empire State Building Commenters strongly urge the grant of a postponement of at least 130 days.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ernest T. Sanchez", is written over a horizontal line.

Ernest T. Sanchez  
THE SANCHEZ LAW FIRM  
2000 L Street N.W., Suite 200  
Washington, D.C. 20036  
(202) 237-2814

On behalf of the Empire State Building  
Commenters:

The Union Township Board of Education  
The Mineola Union Free School District  
The Educational Broadcasting Corporation

June 19, 2000